



General Assembly

January Session, 2013

## ***Amendment***

LCO No. 7270

**\*SB0045907270SD0\***

Offered by:

SEN. CASSANO, 4<sup>th</sup> Dist.

SEN. FASANO, 34<sup>th</sup> Dist.

SEN. MAYNARD, 18<sup>th</sup> Dist.

To: Subst. Senate Bill No. 459

File No. 412

Cal. No. 288

### ***"AN ACT CONCERNING LOCAL CONTROL OVER COASTAL AREAS."***

1 Strike everything after the enacting clause and substitute the  
2 following in lieu thereof:

3 "Section 1. Subsection (b) of section 22a-109 of the general statutes is  
4 repealed and the following is substituted in lieu thereof (*Effective*  
5 *October 1, 2013*):

6 (b) The zoning commission may by regulation exempt any or all of  
7 the following uses from the coastal site plan review requirements of  
8 this chapter: (1) Minor additions to or modifications of existing  
9 buildings or detached accessory buildings, such as garages and utility  
10 sheds; (2) construction of new or modification of existing structures  
11 incidental to the enjoyment and maintenance of residential property  
12 including but not limited to walks, terraces, elevated decks, driveways,  
13 swimming pools, tennis courts, docks and detached accessory

14 buildings; (3) construction of new or modification of existing on-  
15 premise structures including fences, walls, pedestrian walks and  
16 terraces, underground utility connections, essential electric, gas,  
17 telephone, water and sewer service lines, signs and such other minor  
18 structures as will not substantially alter the natural character of coastal  
19 resources or restrict access along the public beach; (4) construction of  
20 an individual single-family residential structure except when such  
21 structure is located on an island not connected to the mainland by an  
22 existing road bridge or causeway or except when such structure is in  
23 or within one hundred feet of the following coastal resource areas:  
24 Tidal wetlands, coastal bluffs and escarpments and beaches and dunes;  
25 (5) activities conducted for the specific purpose of conserving or  
26 preserving soil, vegetation, water, fish, shellfish, wildlife and other  
27 coastal land and water resources; (6) interior modifications to  
28 buildings; and (7) minor changes in use of a building, structure or  
29 property except those changes occurring on property adjacent to or  
30 abutting coastal waters. Gardening, grazing and the harvesting of  
31 crops shall be exempt from the requirements of this chapter.  
32 Notwithstanding the provisions of this subsection, shoreline flood and  
33 erosion control structures as defined in subsection (c) of this section  
34 shall not be exempt from the requirements of this chapter.

35 Sec. 2. Subsection (e) of section 22a-361 of the general statutes is  
36 repealed and the following is substituted in lieu thereof (*Effective*  
37 *October 1, 2013*):

38 (e) (1) No person, firm or corporation, public, municipal or private,  
39 who removes sand, gravel or other material lying waterward of the  
40 mean high water mark of the tidal, coastal or navigable waters of the  
41 state pursuant to a permit issued under this section on or after October  
42 1, 1996, shall make any beneficial or commercial use of such sand,  
43 gravel or other material except upon payment to the state of a fee of  
44 four dollars per cubic yard of such sand, gravel and other materials.  
45 Such payment shall be made at times and under conditions specified  
46 by the commissioner in such permit. No fee shall be assessed for [(1)]

47 (A) the performance of such activities on land which is not owned by  
 48 the state, [(2)] (B) the use of sand, gravel or other materials for beach  
 49 restoration projects, or [(3)] (C) ultimate disposal of such sand, gravel  
 50 or other materials which does not result in an economic benefit to any  
 51 person. For the purposes of this [section] subdivision, "beneficial or  
 52 commercial use" includes, but is not limited to, sale or use of sand,  
 53 gravel or other materials for construction, aggregate, fill or  
 54 landscaping.

55 (2) The commissioner may require that any person, firm or  
 56 corporation, public, municipal or private, who removes sand, gravel or  
 57 other material lying waterward of the mean high water mark of the  
 58 tidal, coastal or navigable waters shall make available such sand,  
 59 gravel or other material of appropriate grain size and composition to  
 60 any coastal municipality or to any district established pursuant to  
 61 chapter 105 or by special act to plan, lay out, acquire, construct,  
 62 reconstruct, repair, maintain, supervise and manage a flood or erosion  
 63 control system. Such sand, gravel or other material shall be offered for  
 64 the purposes of an appropriately authorized beach nourishment or  
 65 habitat restoration project and shall be available (A) to municipalities  
 66 for the cost of transporting such sand, gravel or other material, and (B)  
 67 to districts for a reasonable fee."

This act shall take effect as follows and shall amend the following sections:

Section 1	October 1, 2013	22a-109(b)
Sec. 2	October 1, 2013	22a-361(e)